

4811 Jenkins Rd.
Vernon, NY 13476
315-829-4847

January 24, 1997

Secretary
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

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JAN 27 1997

FEDERAL ROOM

Re: MM Docket No. 96-240, RM-8946
Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Lockport, New York)

Dear Secretary,

Transmitted herewith, on behalf of myself, are an original and five (5) copies of a Counterproposal in the above-referenced proceeding.

If you have any questions on this matter, please do not hesitate to contact me.

Sincerely,



Kevin O'Kane

Enclosures

No. of Copies rec'd
List ABCDE

015

**Before the
Federal Communications Commission
Washington, D.C. 20554**

RECEIVED

JAN 27 1997

COMMUNICATIONS SECTION

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 96-240
Table of Allotments)	RM-8946
FM Broadcast Stations)	
(Lockport, New York))	
To: The Commission		

COUNTERPROPOSAL

I, Kevin O'Kane ("KOK"), hereby file a counterproposal to the above-listed proceeding. KOK proposes that Channel 221A be allotted to Amherst, New York, rather than Lockport.

Amherst, New York, in Erie County, is a community with a population of 106,157 (1990 Census). It also has only one daytime-only AM radio station. Thus, the proposed FM station on Channel 221A, would be the first full-time transmission service for Amherst.

It is noted that Lockport, with a population of 24,426 already has a full-time radio station and does not need a second station as badly as Amherst needs a full-time station.

In the attached engineering study for Channel 221A (Exhibit 1), for Amherst, it is noted that there would be no short-spacings to any U.S. stations, and that there would be only three short-spacings to Canadian stations or allotments as opposed to the five short-spacings in the proposal for Lockport. Therefore, a waiver of Section 73.207(b)(2) is requested so as to permit the Canadian short-spacings for this counterproposal. Considering all matters, it would appear that Amherst is more deserving of Channel 221A.

If Channel 221A is allotted to Amherst, I will apply for a construction permit during the window filing period designated by the Commission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin O'Kane". The signature is written in a cursive, flowing style.

Kevin O'Kane

Date: 1/24/97

Attachments

FM Spacing study

Kevin O'Kane

January, 1997

Title: amherst, NY
 Channel 221A (92.1 MHz)
 Database: FCC 01/16/97

Latitude: 42-58-42
 Longitude: 78-48-00
 Safety zone: 30 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
WXXI-FM LIC	Rochester	Area Educ. TV	*218B	45	43-08-07	79.6	100.6	69
Rochester	NY		91.5	134	77-35-03	260.4	31.57	CLEAR
St Catharines	ON		*219C1	50	43-05-11	291.5	33.00	106
			91.7	150	79-10-38	111.3	-73.0	SHORT
ALLOC			*219C1		43-10-00	300.0	42.20	106
St Catharines	ON		91.7		79-15-00	119.7	-63.8	SHORT
PRM			*220D	.008	43-05-05	297.6	25.66	
Niagara Falls	ON		91.9	157	79-04-46	117.4		
ALLOC			*220B		44-18-00	14.7	151.9	149
Peterborough	ON		91.9		78-19-00	195.0	2.934	CLOSE
WCEB LIC	Corning	Community Colleg	*220D	.015	42-07-10	123.6	170.2	
Corning	NY		91.9	123	77-05-02	304.8		
PRM	ADD	Culver Communications Co	221A		43-10-12	21.1	22.85	115
Lockport	NY	DOC-96-240	92.1		78-41-54	201.2	-92.2	SHORT
WCKR LIC	Channick	Broadcasting Co	221A	1.25	42-20-38	125.9	119.3	115
Hornell	NY	BLH-851028KG	92.1	156	77-37-36	306.7	4.255	CLOSE
ALLOC			221A		42-20-38	125.9	119.3	115
Hornell	NY		92.1		77-37-36	306.7	4.255	CLOSE
PRM			221C1		43-15-49	285.0	126.8	256
Brantford	ON		92.1		80-18-32	104.0	-129	SHORT
PRM			221B		43-15-49	285.0	126.8	223
Brantford	ON		92.1		80-18-32	104.0	-96.2	SHORT
CKPC-FM			221B	50	43-15-49	285.0	126.8	223
Brantford	ON		92.1	118	80-18-32	104.0	-96.2	SHORT
PRM			222B		44-01-54	347.1	120.2	149
Oshawa	ON		92.3		79-08-13	166.8	-28.8	SHORT
ALLOC			222B		41-48-50	193.3	132.8	113
Warren	PA		92.3		79-10-04	13.0	19.84	CLEAR
WRRN LIC	Kinzua	Broadcasting Comp	222B	50	41-48-50	193.3	132.8	113
Warren	PA	BLH-820127AE	92.3	125	79-10-04	13.0	19.84	CLEAR
PRM			223B		43-38-33	327.4	87.84	84
Toronto	ON		92.5		79-23-15	147.0	3.844	CLOSE

FM Spacing study

Title: amherst
Channel 221A (92.1 MHz)

Kevin O'Kane
January, 1997

Latitude: 42-58-42
Longitude: 78-48-00

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
PRM			223B		43-38-33	327.4	87.84	84
Toronto	ON		92.5		79-23-15	147.0	3.844	CLOSE
PRM			223B		43-38-52	328.0	87.95	84
Toronto	ON		92.5		79-22-43	147.6	3.948	CLOSE
PRM			223B		43-38-56	327.9	88.20	84
Toronto	ON		92.5		79-22-55	147.5	4.198	CLOSE
PRM			224A		44-19-45	14.8	155.4	54
Peterborough	ON		92.7		78-18-03	195.1	101.4	CLEAR
WDCZ	LIC	Kimtron, Inc.	274A	6DA	43-10-14	76.5	94.24	10
Webster		NY BLH-960708KA	102.7	100	77-40-23	257.2	84.24	CLEAR
DOC-88-83; DA: oddball ODD951208IC @ 0 deg								
CKLH-FM			275B	40	43-20-12	295.1	95.60	24
Hamilton	ON		102.9	122	79-52-07	114.3	71.60	CLEAR

>> End of channel 221A study <<

AFFIDAVIT

I, Kevin O'Kane, of 4811 Jenkins Rd., Vernon, NY 13476, verify that the statements contained in the proposal filed on my behalf are true and accurate to the best of my knowledge.

Kevin O'Kane
Kevin O'Kane

Date: 1/24/97

STATE OF NEW YORK)
COUNTY OF ~~ONEIDA~~) SS.:

ONONDAGA
On the 24th day of January, 1997, before me came Kevin O'Kane to me known, whom being duly sworn, did acknowledge that he did execute the foregoing document.

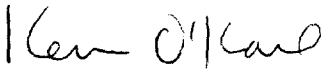
Lisa A. Anderson
Notary Public

LISA A. ANDERSON
Notary Public in the State of New York
Qualified in Onondaga County No 01AN5034826
My Commission Expires 10/17/98

CERTIFICATE OF SERVICE

I, Kevin O'Kane, do hereby certify that I sent a copy of the foregoing
Counterproposal on January 24, 1997, first-class United States postage prepaid to:

Richard C. Greene, President
Culver Communications Corporation
P.O. Box 477
Lockport, New York 14095
(Petitioner)



Kevin O'Kane